

Finocchiario, Marco

From: Finocchiario, Marco
Sent: Thursday, February 24, 2022 9:02 AM
To: Balla, Richard
Subject: FW: Suilin: I made some edits to the water part in the online version and posted a comment for your consideration . -rick (re: Wainscott Letter - Draft Response Document)

Marco Finocchiario (he/him/his)
Chief, Wetlands Protection Section
U.S. Environmental Protection Agency, Region 2
290 Broadway, 24th Floor
New York, NY 10007
212-637-3836

From: Chan, Suilin <Chan.Suilin@epa.gov>
Sent: Thursday, February 24, 2022 8:59 AM
To: Finocchiario, Marco <Finocchiario.Marco@epa.gov>
Subject: RE: Suilin: I made some edits to the water part in the online version and posted a comment for your consideration . -rick (re: Wainscott Letter - Draft Response Document)

Hi Marco,

No problem, please send me your addition by COB tomorrow.

Thanks,
Suilin

From: Finocchiario, Marco <Finocchiario.Marco@epa.gov>
Sent: Thursday, February 24, 2022 8:12 AM
To: Chan, Suilin <Chan.Suilin@epa.gov>
Subject: RE: Suilin: I made some edits to the water part in the online version and posted a comment for your consideration . -rick (re: Wainscott Letter - Draft Response Document)

Good morning Suilin,

Please hold off on getting this letter out as Rick and I believe there should be an addition to the WD response. We're discussing internally. Thanks.

Best,
Marco

Marco Finocchiario (he/him/his)
Chief, Wetlands Protection Section
U.S. Environmental Protection Agency, Region 2

290 Broadway, 24th Floor
New York, NY 10007
212-637-3836

From: Balla, Richard <Balla.Richard@epa.gov>
Sent: Wednesday, February 23, 2022 6:53 PM
To: Chan, Suilin <Chan.Suilin@epa.gov>; Laureano, Javier <laureano.javier@epa.gov>; Ruvo, Richard <Ruvo.Richard@epa.gov>
Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>; Ash, Christine <Ash.Christine@epa.gov>; Laurita, Matthew <Laurita.Matthew@epa.gov>; Wieber, Kirk <Wieber.Kirk@epa.gov>; Petriman, Viorica <Petriman.Viorica@epa.gov>; Froikin, Sara <Froikin.Sara@epa.gov>; Finocchiaro, Marco <Finocchiaro.Marco@epa.gov>; Brandt, Peter <Brandt.Peter@epa.gov>
Subject: Suilin: I made some edits to the water part in the online version and posted a comment for your consideration .
-rick (re: Wainscott Letter - Draft Response Document)

re: Wainscott Letter - Draft Response Document

Suilin:

I see at 3:43 today Javier concurred, about an hour later I made some edits to the water part in the online version and based on my reading of the whole letter posted a comment (see screen shot below) in the air section for your consideration (as I think it is a typo).

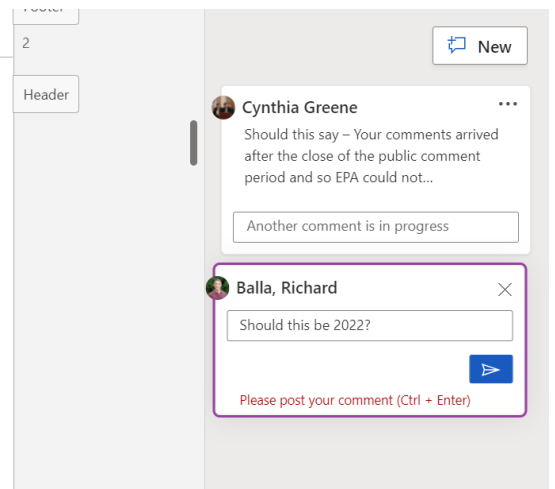
Marco Finocchiaro (added as a cc on this message) & I reviewed the clean water act (wetlands) elements and they are good to go

-rick

EPA's Decision Not to Require Offsets for SFWF Construction-related Emissions

The EPA proposed an initial draft permit for the SFWF project on June 24, 2021. On October 20, 2021, the EPA reopened the public comment period for this permit to request comment on a revision to the draft permit that removed the requirement to obtain emission offsets for construction emissions. EPA explained that, since the initial public comment period on the draft permit, it had reassessed the application of the offset requirements under the Nonattainment New Source Review (NNSR) program for OCS sources subject to the OCS air permit program at 40 C.F.R. part 55, and tentatively determined that the statute and regulations do not require offsets for construction emissions. EPA recognized that this constituted a change in its permitting approach, explained the bases for this proposed interpretation, and requested public comment by December 6, 2021, in a reopened public comment period for the SFWF permit. Your January 11, 2021, letter describes various concerns you have with EPA's determination, claiming that: (1) EPA's decision departs from Congress's intent in enacting the CAA, (2) EPA's revised draft permit violates clear federal and state legal mandates in relation to CAA requirements governing offshore construction, and (3) EPA failed to explain adequately why the Agency reversed its prior decision to require offsets for construction emissions. For the reasons described below, EPA does not agree with your position on these issues and we continue to believe that it was appropriate not to require that SFWF obtain offsets for the emissions from project construction.

Congressional Intent



From: Chan, Suilin <Chan.Suilin@epa.gov>
Sent: Wednesday, February 23, 2022 3:46 PM
To: Laureano, Javier <laureano.javier@epa.gov>; Ruvo, Richard <Ruvo.Richard@epa.gov>

Cc: Villatora, Liliana <Villatora.Liliana@epa.gov>; Ash, Christine <Ash.Christine@epa.gov>; Balla, Richard <Balla.Richard@epa.gov>; Laurita, Matthew <Laurita.Matthew@epa.gov>; Wieber, Kirk <Wieber.Kirk@epa.gov>; Petriman, Viorica <Petriman.Viorica@epa.gov>; Froikin, Sara <Froikin.Sara@epa.gov>
Subject: RE: Wainscott Letter - Draft Response Document

Thank you Rick and Javier for your quick review and response!

Suilin

From: Laureano, Javier <laureano.javier@epa.gov>
Sent: Wednesday, February 23, 2022 3:43 PM
To: Ruvo, Richard <Ruvo.Richard@epa.gov>
Cc: Chan, Suilin <Chan.Suilin@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Ash, Christine <Ash.Christine@epa.gov>; Balla, Richard <Balla.Richard@epa.gov>; Laurita, Matthew <Laurita.Matthew@epa.gov>; Wieber, Kirk <Wieber.Kirk@epa.gov>; Petriman, Viorica <Petriman.Viorica@epa.gov>; Froikin, Sara <Froikin.Sara@epa.gov>
Subject: Re: Wainscott Letter - Draft Response Document

I concur. Thank you - Javier

On Feb 23, 2022, at 3:39 PM, Ruvo, Richard <Ruvo.Richard@epa.gov> wrote:

Suilin-
I have no comments.
Thanks, Rick

From: Chan, Suilin <Chan.Suilin@epa.gov>
Sent: Wednesday, February 23, 2022 11:36 AM
To: Ruvo, Richard <Ruvo.Richard@epa.gov>; Laureano, Javier <laureano.javier@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>
Cc: Ash, Christine <Ash.Christine@epa.gov>; Balla, Richard <Balla.Richard@epa.gov>; Laurita, Matthew <Laurita.Matthew@epa.gov>; Wieber, Kirk <Wieber.Kirk@epa.gov>; Petriman, Viorica <Petriman.Viorica@epa.gov>; Froikin, Sara <Froikin.Sara@epa.gov>
Subject: FW: Wainscott Letter - Draft Response Document

Good morning,

Ms. Gouri Edlich of the Citizens for the Preservation of Wainscott (CPW) submitted 3 letters to Administrator Regan on 1/11/2022 to express air and water concerns related to the construction of the South Fork wind energy project offshore of MA. See attached incoming letters in pdf.

Although Region 1 issued the permit to South Fork, the substation is located in East Hampton, NY and the transmission cable that transmits energy from the wind farm to the substation will pass NY waters. The Office of the Administrator assigned this controlled correspondence to Region 2 for a direct reply. The attached draft response, which is prepared for Lisa's signature, addresses both air and water issues. See attached file in word. The due date for this response has been extended to March 8, 2022.

There are 3 issues raised in the attached letters, 1 related to air and 2 related to water. The air issue is directly related to EPA's interpretation of the relevant rules and regulations that emissions offset is not required for an offshore wind energy project. The water issues raised concerns that construction of the transmission cable would harm the municipal water supplies due to PFAS contamination in the sediment and the drinking water quality.

ARD has worked with Region 1, OGC and HQ over the past few weeks to develop the response to the air issue. Thanks to the staff of Christine Ash and Rick Balla, the response to the water issues was compiled and incorporated into this response. The timeline for getting this response finalized is as follows:

- 2/23/2022 – DD review
- 2/25/2022 – Receive comments from DD
- 2/28/2022 – Address DD comments
- 3/1/2022 – Circulate final draft for RA's signature
- 3/8/2022 – Signature on response

Please review the attached documents and send me your comments and/or edits in track changes by COB this Friday 2/25/2022. However, if you would like to make changes directly to the draft response, please use the online version: [DRAFT Response to Wainscott letter_SFW OCS permit.docx](#)

If you have any questions, please don't hesitate to reach out to me.

Thanks,
Suilin